

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Robert S. Biscup
TITLE : EXPANDABLE SPHERICAL SPINAL IMPLANT
APPLICATION NO. : 10/801,975
FILED : March 16, 2004
CONFIRMATION NO. : 2554
EXAMINER : Anuradha Ramana
ART UNIT : 3775
LAST OFFICE ACTION : February 3, 2009
ATTORNEY DOCKET NO. : MEDR 2 00001

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant(s) hereby appeal(s) to the Board to the Board of Patent Appeals and Interferences from the last decision of the Examiner mailed **February 3, 2009**.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

- ☒ This application is on behalf of other than a small entity.
☐ Applicant(s) claim(s) small entity status. See 37 CFR 1.27. Therefore, the fee is reduced by half, and the resulting fee is listed below.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

- ☒ Large entity \$540
☐ Small entity \$270

3. **EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a -month extension of time up to and including in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card via EFS-Web. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee:	\$540
Extension of Time Fee:	\$
TOTAL	\$540

5. **METHOD OF PAYMENT**

☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

Fay Sharpe LLP

April 6, 2009

Date

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CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being

- ☐ deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:

Signature: *Adeline Machado*

Date: April 6, 2009

Name: Adeline Machado